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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,246	09/17/2001	Ajit P. Joshi	042390.P11764	8621

7590 12/10/2004

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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,246

Applicant(s)

JOSHI ET AL.

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>21 November 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-27 are rejected under 35 U.S.C. § 103 as being unpatentable over Maheshwari et al (Intertrust) in view of Healy et al (all cited by applicant).

Regarding claim 1, Maheshwari et al (See abstract, Figs. 2, 3A, 4 page 6, lines 10-15) disclose a means for transferring content between server and client including the encryption of a billing trail substantially as claimed. The differences between the above and the claimed invention is the use of a log exclusively. It is noted that it is believed that the billing trail is functionally equivalent to the claimed limitations. Healy et al (See Fig. 1, pages 19, lines 7-12, Fig. 2, lines 25-35) show the encryption of reports for billing to a server. Note that the general purpose of encryption is to limit

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access to the authorized entity. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Maheshwari et al because the encrypted billing trails are conventional functional equivalents with respect to the claim limitations exclusive access to client logs. Regarding medium limitations of claim 2, Maheshwari et al (See Fig. 2, network element 208) disclose a network which can comprise a multiplicity of standard element mediums, wire line, wireless, coaxial, standard telephone, etc. which are functional equivalents of the claim limitations. Regarding billing limitations of claim 3, Maheshwari et al (See incorporated references page 6, lines 10-15) disclose a an encrypted billing trail which is a functional equivalent of the claim limitations because all billing must be secure. Regarding billing limitations of claim 4, Maheshwari et al (See incorporated references page 6, lines 10-15) disclose a an encrypted billing trail which is a functional equivalent of the claim limitations because all billing must be secure an determined at the choosing of the biller. Regarding billing limitations of claim 5, Maheshwari et al (See incorporated references page 6, lines 10-15) disclose an encrypted billing trail which is a functional equivalent of the claim limitations because all billing must be secure an determined at the choosing of the biller. Regarding user limitations of claim 6, Healy et al (See Fig. 1, pages 19, lines 7-12, Fig. 2, lines25-35) show the user browser that is a

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functional equivalent of the claim limitations. Regarding the client limitations of claim 7, Maheshwari et al (See abstract, Figs. 2, 3A, 4 page 6, lines 10-15) disclose a means for transferring content between server which is video which is a functional equivalent of the claim limitations. Regarding the billing limitations of claim 8, Maheshwari et al (See incorporated references page 6, lines 10-15) disclose an encrypted billing trail which is a functional equivalent of the claim limitations. Regarding medium limitations of claim 9, Maheshwari et al (See Fig. 2, network element 208) disclose a network which can comprise a multiplicity of standard element mediums, wire line, wireless, coaxial, standard telephone, etc. which are functional equivalents of the claim limitations. Regarding network limitations of claim 10, Maheshwari et al (See Fig. 2, consumer element 204) disclose a network which is a functional equivalent of the claim limitations. Regarding the medium limitation of claim 11, Maheshwari et al (See Fig. 2, network element 208) disclose a network which can comprise a multiplicity of standard element mediums, including satellite which are functional equivalents of the claim limitations. Regarding the billing limitations of claim 12, Maheshwari et al (See incorporated references page 6, lines 10-15) disclose an encrypted billing trail which is a functional equivalent of the claim limitations. Regarding the retrieval limitations of claim 13, Maheshwari et al (See incorporated references page 6, lines

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1-15) disclose electronic jukebox which is a functional equivalent of the claim limitations. Regarding the log limitations of claim 14, Healy et al (See Fig. 1, pages 19, lines 7-12, Fig. 2, lines 25-35) show log file database which is a functional equivalent of the claim limitations. Regarding claim 15, Maheshwari et al (See abstract, Figs. 2, 3A, 4 page 6, lines 10-15) disclose a means for transferring content between server and client including the encryption of a billing trail substantially as claimed. The differences between the above and the claimed invention is the use of a log exclusively. It is noted that it is believed that the billing trail is functionally equivalent to the claimed limitations. Healy et al (See Fig. 1, pages 19, lines 7-12, Fig. 2, lines 25-35) show the encryption of reports for billing to a server. Note that the general purpose of encryption is to limit access to the authorized entity. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Maheshwari et al because the encrypted billing trails are conventional functional equivalents with respect to the claim limitations exclusive access to client logs. Regarding the playback limitations of claim 16, Maheshwari et al (See incorporated references page 6, lines 1-15) disclose an electronic jukebox which is a functional equivalent of the claim limitations. Regarding the card limitations of claim 17, Maheshwari et al (page 3, lines 5-10) disclose log structured storage which is a functional equivalent

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of the claim limitations. Regarding claim 18, Maheshwari et al (See abstract, Figs. 2, 3A, 4 page 6, lines 10-15) disclose a method for transferring content between server and client including the encryption of a billing trail substantially as claimed. The differences between the above and the claimed invention is the use of a log exclusively. It is noted that it is believed that the billing trail is functionally equivalent to the claimed limitations. Healy et al (See Fig. 1, pages 19, lines 7-12, Fig. 2, lines 25-35) show the encryption of reports for billing to a server. Note that the general purpose of encryption is to limit access to the authorized entity. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Maheshwari et al because the encrypted billing trails are conventional functional equivalents with respect to the claim limitations exclusive access to client logs. Regarding the validity limitations of claim 19, Healy et al (See Fig. 1, pages 19, lines 7-12, Fig. 2, lines 25-35) show the encryption of reports for billing to a server which is a functional equivalent of the claim limitations. Regarding token limitations of claims 20-22, Healy et al (See Fig. 1, 7A pages 19, lines 7-12, Fig. 2, lines 25-35) show the encryption of reports for billing to a server including timestamps and cookies which are the functional equivalents of the claim limitations. Regarding claim 23, Maheshwari et al (See abstract, Figs. 2, 3A, 4 page 6, lines 10-15) disclose a product means for transferring

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content between server and client including the encryption of a billing trail which may be software substantially as claimed. The differences between the above and the claimed invention is the use of a log exclusively. It is noted that it is believed that the billing trail is functionally equivalent to the claimed limitations. Healy et al (See Fig. 1, pages 19, lines 7-12, Fig. 2, lines 25-35) show the encryption of reports for billing to a server. Note that the general purpose of encryption is to limit access to the authorized entity. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Maheshwari et al because the encrypted billing trails are conventional functional equivalents with respect to the claim limitations exclusive access to client logs. Regarding the validity limitations of claim 24, Healy et al (See Fig. 1, pages 19, lines 7-12, Fig. 2, lines 25-35) show the encryption of reports for billing to a server which is a functional equivalent of the claim limitations. Regarding token limitations of claims 25-27, Healy et al (See Fig. 1, 7A pages 19, lines 7-12, Fig. 2, lines 25-35) show the encryption of reports for billing to a server including timestamps and cookies which are the functional equivalents of the claim limitations.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone

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are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington, D.C. 20231

or faxed to (703)872-9306 .

Hand delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor(Receptionist) .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (703) **308-4177**.


**SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222**

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222